



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

SMC  
Docket No: 06735-99  
10 February 2000

SSGT [REDACTED] USMC  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Staff Sergeant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You requested removal of a fitness report for 12 November 1995 to 10 January 1997.

It is noted that the Commandant of the Marine Corps (CMC) has directed placement of a memorandum in your record showing item 17a ("commendatory") of the contested fitness report should have been marked "Yes" as you received a letter of commendation.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 10 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 26 October 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice warranting further correction. In this connection, the Board substantially concurred with the comments contained in the report of the PERB. In view of the above, your application for relief beyond that effected by CMC has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

673599

IN REPLY REFER TO:  
1610  
MMER/PERB  
OCT 26 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF STAFF  
SERGEANT [REDACTED] USMC

Ref: (a) SSgt [REDACTED] DD Form 149 of 20 Aug 99  
(b) MCO P1610.7C w/Ch 1

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 21 October 1999 to consider Staff Sergeant [REDACTED]'s petition contained in reference (a). Removal of the fitness report for the period 951112 to 970110 (TR) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends that the marks in Section B are not supported by the comments in Section C. To support his appeal, the petitioner furnishes a letter from the Reporting Senior (Lieutenant Commander [REDACTED])

3. In its proceedings, the PERB concluded that, with one minor exception, the report is both administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. The advocacy letter from Lieutenant Commander [REDACTED] does not specifically address anything more than what is contained in his initial evaluation. While the Board is not privy to the "... Marine Corps officers and NCO's..." with whom he has spoken, we are haste to point out that marks of "excellent" require no substantiation, justification, or specific comment. Likewise, we find absolutely no inconsistency between any of the assigned ratings in Section B and the narrative comments in Section C.

b. Since the Reporting Senior identified the petitioner as being awarded a Letter of Commendation from the Navy Flight Demonstration Squadron (presumably for his support of the Blue Angels), Item 17a (Commendatory) should have been marked "yes." The Board does not find that this minor administrative oversight should invalidate an otherwise completely acceptable, and overall "outstanding" report. Instead, they have directed the preparation and insertion of an appropriately worded Memorandum for the

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF STAFF  
SERGEANT [REDACTED] USMC

Record documenting the necessary correction. NOTE: To preclude the loss in legibility in correcting the actual document, this course of action has been taken. In addition the petitioner's Master Brief Sheet will be modified accordingly.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report, as modified, should remain a part of Staff Sergeant [REDACTED] official military record. The limited corrective action identified in subparagraph 3b is considered sufficient.

5. The case is forwarded for final action.

[REDACTED]  
Chairperson, Performance  
Evaluation Review Board  
Personnel Management Division  
Manpower and Reserve Affairs  
Department  
By direction of the Commandant  
of the Marine Corps